

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

CRYSTALLEX INTERNATIONAL CORPORATION,

Plaintiff,

v.

BOLIVARIAN REPUBLIC OF VENEZUELA,

Defendant.

Case No. 17-mc-151 (LPS)

OI EUROPEAN GROUP B.V.,

Plaintiff,

v.

BOLIVARIAN REPUBLIC OF VENEZUELA,

Defendant.

Case No. 19-mc-290 (LPS)

**ADDITIONAL JUDGMENT SUMMARY BY OI EUROPEAN GROUP B.V.**

Dated: October 16, 2023

MORGAN, LEWIS & BOCKIUS LLP

Jody C. Barillare, Bar No. 5107  
1201 N. Market Street, Suite 2201  
Wilmington, DE 19801  
Telephone: 302-574-3000  
Facsimile: 302-574-3001  
jody.barillare@morganlewis.com

- and -

Jonathan M. Albano  
Christopher L. Carter  
One Federal Street  
Boston MA 02110  
Telephone: 617-341-7700

SEQUOR LAW, P.A.  
Edward H. Davis, Jr.  
Fernando J. Menendez  
1111 Brickell Avenue, Suite 1250  
Miami, FL 33131

Facsimile: 617-341-7701  
jonathan.albano@morganlewis.com  
christopher.carter@morganlewis.com

Telephone: 305-372-8282  
Facsimile: 305-372-8202  
edavis@sequorlaw.com  
fmenendez@sequorlaw.com

*Attorneys for Plaintiff, OI European Group B.V.*

Plaintiff, judgment creditor and conditional writ holder OI European Group B.V. (“OIEG”), submits this Additional Judgment Summary in response to this Court’s Memorandum Order entered on October 11, 2023. *See* D. Del., Case No. 17-mc-151 (“Crystallex”), D.I. 738 (the “October 11 Order”).<sup>1</sup>

### SUMMARY OF COMPLETED STEPS

Set forth below is the status of OIEG’s efforts to complete the seven steps outlined in this Court’s July 27, 2023 Memorandum Order. *See Crystallex*, D.I. 646 (the “July 27 Order”):

***1. STEP 1 – “A creditor proves it is owed some debt by a Venezuela Party.”***

**Completed: March 10, 2015.** OIEG is a Netherlands-incorporated company and an indirect, wholly-owned subsidiary of O-I Glass, Inc., a Delaware corporation headquartered in Perrysburg, Ohio. OIEG is the majority shareholder in two subsidiaries that each owned and operated valuable glass container factories in Venezuela. These factories were unlawfully expropriated by the Hugo Chávez regime in 2010. OIEG commenced arbitration proceedings against Venezuela with the International Centre for Settlement of Investment Disputes (“ICSID”) on September 7, 2011. *OI European Group B.V. v. Bolivarian Republic of Venezuela*, 2019 WL 2185040, at \*2 (D.D.C. May 21, 2019). The ICSID tribunal issued an award on March 10, 2015, finding, *inter alia*, that Venezuela expropriated OIEG’s interests and was required to pay to OIEG \$372,461,982 in damages for the expropriation, and \$5,750,000 in costs and expenses, plus interest (the “OIEG Award”). *Id.* While the OIEG Award became “binding on the parties” under Article 53 of the ICSID Convention, *id.*, Venezuela delayed enforcement with a meritless “annulment” application. The ICSID annulment panel denied the application on December 6, 2018, reaffirmed the OIEG Award, and awarded additional damages. *Id.* at \*2. A true and correct copy of the OIEG

---

<sup>1</sup> Capitalized but undefined terms used here shall be as defined in the October 11 Order.

Award and a certified English translation of the same are attached as Exhibit 1 and Exhibit 2 respectively, and a true and correct copy of the annulment decision is attached as Exhibit 3.

**2. STEP 2 – “The creditor enforces its award in a U.S. court and receives a judgment.”**

**Completed: May 21, 2019.** OIEG sought recognition of the OIEG Award by commencing a recognition proceeding pursuant to 22 U.S.C. § 1650a and Article 54 of the Convention on the Settlement of Investment Disputes between States and Nationals of Other States, in the DC District Court on July 27, 2016. (D.D.C., Case No. 16-cv-01533-ABJ, the “DC Proceeding”). On May 21, 2019, the DC District Court granted OIEG’s motion for summary judgment, confirmed the OIEG Award, and entered judgment (the “Judgment”) in favor of OIEG. See Exhibit 4; see also *OI European Group B.V.*, 2019 WL 2185040, at \*2-3.<sup>2</sup>

**3. STEP 3 – “The creditor registers its judgment in the District of Delaware.”**

**Completed: November 4, 2019.** On November 1, 2019, the DC District Court authorized OIEG to pursue enforcement remedies against Venezuela pursuant to 28 U.S.C. §§ 1963 and 1610(c). *OI European Group B.V. v. Bolivarian Republic of Venezuela*, 419 F. Supp. 3d 51, 56 (D.D.C. 2019). OIEG registered the Judgment with the Delaware District Court pursuant to 28 U.S.C. § 1963 on November 4, 2019. D. Del., Case No. 19-mc-290 (“OIEG”), D.I. 1; see also Exhibit 4.

**4. STEP 4 – “The creditor moves in Delaware for a writ of attachment fieri facias (‘fi. fa’).”**

**Completed: February 19, 2021.** OIEG filed a renewed motion for a writ of attachment *fi. fa.* on February 19, 2021. See *OIEG*, D.I. 48 (attached as Exhibit 5).

---

<sup>2</sup> The total amount which is due and owing to OIEG under the Judgment as of August 14, 2023, including post-judgment interest, is no less than \$643,017,956.33. See *Crystallex*, D.I. 657.

**5. STEP 5 – “The creditor obtains a writ of attachment *fi. fa.* which may be conditioned on subsequent events.”**

**Completed: March 23, 2023.** The Court granted OIEG’s renewed motion for a writ of attachment on the PDVH Shares on March 23, 2023, after finding that PDVSA was Venezuela’s alter ego. *OIEG*, D.I. 131, 132 (Opinion attached as Exhibit 6, and Order attached as Exhibit 7);<sup>3</sup> *see also OI European Group B.V. v. Bolivarian Republic of Venezuela*, 2023 WL 2609248 (D. Del. Mar. 23, 2023), *aff’d*, 73 F. 4th 157 (3d Cir. 2023). The Court authorized the Clerk of the Court to affix its original signature and seal on the writ of attachment, but directed it not to issue (or serve) the writ until the requisite authorization was received from the Office of Foreign Assets Control (“OFAC”). *See Exhibit 7* at p. 2.

**6. STEP 6 – “The Clerk issues to the United States Marshals Service (‘Marshals’) the writ of attachment *fi. fa.*”**

**Not Yet Completed.** However, OIEG has taken the necessary steps to satisfy this next step upon further order or direction of the Court given recent OFAC guidance and licensing. The Court entered an order docketing OFAC License No. VENEZUELA-EO13884-202301057131-1 on May 5, 2023. *OIEG*, D.I. 147, at pp. 7-8 (the “OFAC License”). The OFAC License authorizes the Clerk of the Court and any Additional Judgment Creditor to “engage in transactions and activities ordinarily incident and necessary to the issuance and service of a writ of attachment *feri facias* for any party that has been designated an ‘Additional Judgment Creditor’” under the Sale Procedures Order. *Id.* at p. 8. The conditions to OIEG’s conditional writ of attachment will be satisfied upon the designation by this Court of OIEG becoming an Additional Judgment Creditor.

---

<sup>3</sup> As the Court previously noted, OIEG’s February 19, 2021 renewed motion is to be used for the date by which OIEG’s priority of attachment is established. *See* July 27 Order at p. 23.

**7. STEP 7 – “The U.S. Marshals Service serves the creditor’s writ of attachment, perfecting the writ and attaching the shares of PDVH owned by PDVSA.”**

**Not Yet Completed.**

**CONCLUSION**

As summarized above, OIEG has completed Step 1 through Step 5 and is positioned, given the OFAC License, to reach Step 6 as soon as OIEG is designated as an Additional Judgment Creditor by this Court. OIEG will amend and update this Additional Judgment Summary in accordance with the October 11 Order.

Dated: October 16, 2023

MORGAN, LEWIS & BOCKIUS LLP

/s/ Jody C. Barillare  
Jody C. Barillare, Bar No. 5107  
1201 N. Market Street, Suite 2201  
Wilmington, DE 19801  
Telephone: 302-574-3000  
Facsimile: 302-574-3001  
jody.barillare@morganlewis.com

- and -

Jonathan M. Albano (*pro hac vice*)  
Christopher L. Carter (*pro hac vice*)  
One Federal Street  
Boston MA 02110  
Telephone: 617-341-7700  
Facsimile: 617-341-7701  
jonathan.albano@morganlewis.com  
christopher.carter@morganlewis.com

SEQUOR LAW, P.A.  
Edward H. Davis, Jr. (*pro hac vice*)  
Fernando J. Menendez (*pro hac vice*)  
1111 Brickell Avenue, Suite 1250  
Miami, FL 33131  
Telephone: 305-372-8282  
Facsimile: 305-372-8202  
edavis@sequorlaw.com  
fmenendez@sequorlaw.com

*Attorneys for Plaintiff, OI European Group B.V.*